

REMARKS

In accordance with the foregoing, claims 7-10, 28-31 and 44 are pending and under consideration. No new matter is presented in this Amendment.

REJECTIONS UNDER 35 U.S.C. §101:

Claim 44 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter by not explicitly excluding "carrier waves" as an example of a computer-readable medium. However, under this reasoning, the Examiner could request the Applicants to include a laundry list of hundreds or thousands of items that are not computer-readable media or are not some other type of device or apparatus. The carrier wave was amended out of the specification as an example of the computer-readable medium, and there is no longer any language in the specification that includes the carrier wave as an example of a computer-readable medium. There is no requirement under U.S. law or the MPEP that an applicant specifically exclude an element as a possibility for an example of a type of device or apparatus. Therefore, the Applicants respectfully request that the rejection be withdrawn.

ALLOWABLE SUBJECT MATTER:

Claims 7-10 and 28-31 are allowed.

CONCLUSION:

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 503333.

Respectfully submitted,

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